

TOWNSHIP OF DENNIS
ZONING BOARD OF ADJUSTMENT
APPLICATION FORM

1. Name and address of applicant:

Clarence Tomlin

231 Sunset Road Belleplain, NJ 08270

2. Applicant's telephone number:

Home: (609) 374-4258

Work: clarencetomlin@comcast.net

Applicant's fax number:

Home: _____

Work: _____

3. Property owner's name, address and telephone number if different from No. 1 above:

Same as Applicant

4. Relationship of applicant to owner: _____

If holder of contract to purchase attach copy of contract.

If other than contract purchaser, explain status and attach written agreement signed by seller consenting to the application.

N/A

5. If applicant is a corporation or partnership, list all stockholders or partners owning 10% or more of the corporation or partnership and list their respective names, addresses and telephone numbers:

N/A

6. Location of premises:

Street address: 231 Sunset Road Belleplain, NJ 08270

Tax Block: 51 Tax Lot(s): 2

Tax Map Sheet No.: 9

7. Zoning District in which premises is located: PF 25

8. Type of application presented:

_____ Appeal from decision of Zoning Official
(N.J.S.A. 40:55D-70a)

_____ Interpretation of Zoning Ordinance or Zoning Map
(N.J.S.A. 40:55D-70b)

- Hardship variance (N.J.S.A. 40:55D-70c(1))
- Flexible (C)/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2))
- Use variance (N.J.S.A. 40:55D-70d)

- (1) Use or principal structure
- (2) Expansion of non-conforming use
- (3) Deviation from conditional use standard
- (4) Increase in permitted floor area ratio
- (5) Increase in permitted density
- (6) Height of principal structure greater than 10 feet or 10% of maximum height permitted

Permit to build in street bed (N.J.S.A. 40:55D-34)

Permit to build where lot does not abut street (40:55D-36)

Site plans (N.J.S.A. 40:55D-76)

Major

Preliminary

Final

Minor

Waiver of site plan itself

Subdivision (N.J.S.A. 40:55D-76)

Minor

Major

Preliminary

Final

Waivers from subdivision and/or site plan standards

Other

9. Request is made for permission to reconstruct a single-family dwelling and construct a pole barn

(Describe type of variance sought)

variances are sought for lot area, front yard setback and side yard setback

contrary to the requirements of Sections 185-28 of the Dennis Township Land Use and Development Ordinances, Dennis Township Code Chapters 98, 165 and 185.

10. Supply the following information concerning this application. Place an asterisk to the left of the description of all items for which variances are sought.

	<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED YES/NO</u>
<u>LOT SIZE:</u>				
Lot Area	<u>9.93 acres</u>	<u>25 acres</u>	<u>9.93 acres</u>	<u>YES</u>
Lot Frontage	<u>208.49'</u>	<u>200'</u>	<u>208.49'</u>	<u>NO</u>
Lot Width	<u>310'</u>	<u>200'</u>	<u>310'</u>	<u>NO</u>
Lot Depth	<u>991.98'</u>	<u>300'</u>	<u>991.98'</u>	<u>NO</u>
<u>PRINCIPAL BUILDING</u>				
Side Yard, each	<u>7' / 184'</u>	<u>40'</u>	<u>15'/147'</u>	<u>YES</u>
Front Yard	<u>64'</u>	<u>100'</u>	<u>85'</u>	<u>YES</u>
Rear Yard	<u>>100'</u>	<u>100'</u>	<u>> 100'</u>	<u>NO</u>
Building Height	<u>< 30'</u>	<u>30'</u>	<u>30' max</u>	<u>NO</u>
<u>ACCESSORY BUILDING</u>				
Side Yard, each	<u>0</u>	<u>50'</u>	<u>50'/255'</u>	<u>NO</u>
Rear Yard	<u>678 +/-'</u>	<u>50'</u>	<u>678 +/-'</u>	<u>NO</u>
Distance to other buildings	<u>5'</u>	<u>20'</u>	<u>92'</u>	<u>NO</u>
Building Height	<u><30'</u>	<u>30'</u>	<u><30'</u>	<u>NO</u>
<u>MAXIMUM COVERAGE</u>				
Principal building (%)	<u>0.30%</u>	<u>1%</u>	<u>0.68%</u>	<u>NO</u>
Accessory building (%)	<u>0.10%</u>	<u>1%</u>	<u>0.17%</u>	<u>NO</u>

	<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED YES/NO</u>
<u>GROSS FLOOR AREA</u>				
Principal building	<u>SF</u>	<u>1,000 SF</u>	<u>SF</u>	<u>NO</u>
Accessory building	<u>N/A</u>	<u>--</u>	<u>N/A</u>	<u>NO</u>
<u>PARKING</u>				
No. of spaces	<u></u>	<u></u>	<u></u>	<u>NO</u>
<u>SIGNS</u>				
Size	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u></u>
Number	<u></u>	<u></u>	<u></u>	<u></u>
Type (Free-Standing or Building Mounted)	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u></u>

11. Has there been any previous appeal, request or application to this Board or to the Planning Board involving these premises? If yes, state the nature of application, date of application, date of hearing and result received from Board.

No

BY LAW, VARIANCES CAN ONLY BE GRANTED WHERE THE APPLICANT IS ABLE TO SATISFY BOTH POSITIVE AND NEGATIVE CRITERIA ESTABLISHED BY THE MUNICIPAL LAND USE LAW. NO VARIANCE RELIEF OF ANY TYPE MAY BE GRANTED UNLESS THE VARIANCE OR RELIEF CAN BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND WITHOUT SUBSTANTIALLY IMPAIRING THE INTENT AND PURPOSE OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES (40:55D-70c(1)) CAN ONLY BE GRANTED WHERE AN EXCEPTIONAL CONDITION EXISTS WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, WHERE EXCEPTIONAL TOPOGRAPHICAL CONDITIONS OR PHYSICAL FEATURES UNIQUELY AFFECT A SPECIFIC PIECE OF PROPERTY OR WHERE BY REASON OF AN EXTRAORDINARY AND EXCEPTIONAL SITUATION UNIQUELY AFFECTING A SPECIFIC PIECE OF PROPERTY OR THE STRUCTURES LAWFULLY EXISTING THEREON THE STRICT APPLICATION OF THE ZONING REQUIREMENT WOULD RESULT IN PECULIAR AND EXCEPTIONAL PRACTICAL DIFFICULTIES TO OR EXCEPTIONAL AND UNDUE HARDSHIP UPON THE DEVELOPER OF

THE PROPERTY. RELIEF UNDER THE FLEXIBLE C TYPE VARIANCE (N.J.S.A. 40:55D-70c(2)) CAN ONLY BE GRANTED WHERE, WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, THE PURPOSES OF THE MUNICIPAL LAND USE LAW WOULD BE ADVANCED BY A DEVIATION FROM THE ZONING ORDINANCE REQUIREMENT AND THE BENEFIT OF THE DEVIATION WOULD SUBSTANTIALLY OUTWEIGH ANY DETRIMENT. USE, AND RELATED VARIANCES (N.J.S.A. 40:55D-70d) CAN ONLY BE GRANTED WHERE THERE ARE SPECIAL REASONS AS SPECIFIED BY THE MUNICIPAL LAND USE LAW. THE BURDEN IS UPON THE APPLICANT TO PROVIDE PROOF OF SATISFACTION OF THE AFORESAID REQUIREMENTS APPLICABLE TO HIS APPLICATION.

A SHORT SUMMARY OF THE REASONS WHY YOU ARE ENTITLED TO THE RELIEF SOUGHT FROM THE ZONING BOARD OF ADJUSTMENT SHALL BE PROVIDED ON A SEPARATE SHEET OF PAPER AND ENUMERATED WITH THE APPROPRIATE PARAGRAPH NUMBER UNDER WHICH THE RELIEF IS SOUGHT, (PARAGRAPHS NO. 12-15)

12. Attach to this application a statement of facts showing why the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Dennis Township Zoning Plan and Zoning Ordinance. State why the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan.
13. Attach to this application a statement specifying the hardship/ exceptional conditions of the specific property involved justifying the granting of a variance pursuant to N.J.S.A. 40:55D-70c(1). State what is unique about your specific piece of property noting such things as an exceptionally narrow, deep, or otherwise unusually shaped lot; physical features located on the lot that prevent its use in a normal manner that would be allowed by the existing zoning; the specific location of existing structures that limit compliance with the required zoning. Note how the circumstances relating to your particular lot differ from other lots in the neighborhood. State what hardships would result should the variance not be granted to you.
14. Attach to this application a statement setting forth the facts supporting the contention that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question and the benefits of that deviation would substantially outweigh any detriment pursuant to N.J.S.A. 40:55D-70c(2). Among the purposes of the Municipal Land Use Law are the following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of

these apply to your application and further, cite the characteristics of your land that will present an opportunity for improved zoning and planning to benefit the community.

15. Attach to this application a statement setting forth the special reasons for granting this variance pursuant to N.J.S.A. 40:55D-70d. "Special reasons" exist where a proposed project carries out a purpose of zoning, (such as those noted in Section 14 above) or where the refusal to allow the project would impose an undue hardship on you; state why the property at issue cannot reasonably be developed with a use permitted by the Zoning Ordinance.

16. Set forth specifically the determination of the Zoning Official from which an appeal has been filed and the basis for the appeal. (40:55D-70a)

N/A

17. Set forth specifically the Zoning Ordinance section and provisions and/or the portion of the zoning map for which an interpretation from the Zoning Board is sought. Set forth the interpretation sought by the applicant. (N.J.S.A. 40:55D-70b).

N/A

18. All applicants must supply with this application the required fees (application and escrow) the necessary survey, plan, and plat and the following Zoning Board of Adjustment forms together with all attachments required in connection with the forms:

- ZB-1 Application form including verification of application
- ZB-2 Survey, plan, plat affidavit
- ZB-4 Escrow fees and application fees
- ZB-5 Proof of payment of taxes
- ZB-6 Notice of hearing
- ZB-7 Affidavit of Service
- ZB-10 Applications Involving Subdivisions
- ZB-11 Applications Involving Site Plans

19. For undersized lot cases only, the following additional forms are supplied:

- Notice to Applicants Concerning Undersized Lots.
- ZB-8 Applicant's Offer to Abutting Property Owners.
- ZB-9 Response of Abutting Property Owners.

20. List the names, addresses, telephone and fax numbers and professions of any and all professionals employed by the applicant in completing the application to the Zoning Board of Adjustment and/or intended to be called as witnesses at the hearing on the application.

Name:	Address	Phone	Fax
Joseph H. Maffei, PE	5 Cambridge Drive, Ocean View NJ 08230	609-390-0332	

VERIFICATION OF APPLICATION

(INDICATE STATUS OF APPLICANT BELOW)

- X Applicant is owner of property
- Applicant is not owner of property but has an Agreement of Sale and the consent of the owner to make this application.
- Other (specify)

STATE OF NEW JERSEY:

ss

COUNTY OF CAPE MAY :

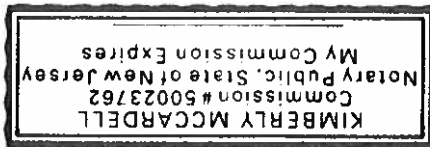
Clarence Tomlin

, being of full age and duly sworn according to law, upon his/her oath, deposes and says that the information set forth in the variance application, survey, subdivision plan, site plan and related documents submitted in connection with this application is true and correct and that they accurately portray the proposed project for which variance relief and accompanying approvals (if any) are sought.

[Signature]
Applicant's Signature

Sworn and subscribed to before me this 16th day of June, 2021.

[Signature]
Notary Public
My Commission Expires 9-22-25



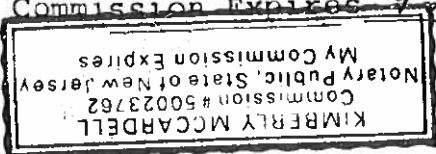
CONSENT TO APPLICATION BY OWNER OF PREMISES
(NEED NOT BE SIGNED IF OWNER IF APPLICANT)

I hereby consent to the application submitted to the Dennis Township Zoning Board of Adjustment with regard to the premises referred to in this application which premises is owned by me.

[Signature]
Owner's Signature

Sworn and subscribed to before me this 16th day of June, 2021.

[Signature]
Notary Public
My Commission Expires 9-22-25



TOWNSHIP OF DENNIS

COUNTY OF CAPE MAY
STATE OF NEW JERSEY

ORDINANCE NO. 2007-02

AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, AND
STATE OF NEW JERSEY REPEALING AND REPLACING CHAPTER 98, ARTICLE
II, SECTION 5 OF THE CODE OF THE TOWNSHIP OF DENNIS, "FEES"

BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape
May and State of New Jersey, that Chapter 98, Article II, Section 5 of the Code of the Township
of Dennis be repealed and replaced as follows:

The following fee schedule shall be applied to all applications before the Zoning Board of
Adjustment and the Planning Board of the Township of Dennis:

<u>TYPE</u>	<u>APPLICATION FEE</u>	<u>ESCROW FEE</u>
Informal Review	\$ 150.00	\$ 300.00
Minor Subdivision	\$ 250.00	\$ 750.00
Major Subdivision		
Sketch Plat	\$ 200.00	\$ 200.00
Preliminary	\$ 600.00	\$ 1,600.00
Final	\$ 200.00	\$ 800.00
Tax Map Revision		\$ 75.00 per lot
Minor Site Plan		
Single Residential	\$ 150.00	\$ 600.00
Non Residential	\$ 300.00	\$ 750.00
Major Site Plan		
Residential (3 to 5 units)		
Preliminary	\$ 400.00	\$ 1,500.00
Final	\$ 100.00	\$ 800.00
Residential (15 or more units)		
Preliminary	\$ 700.00	\$ 1,500.00
Final	\$ 100.00	\$ 800.00
Non-Residential (1 to 4 units)		
Preliminary	\$ 400.00	\$ 1,500.00
Final	\$ 100.00	\$ 800.00
Non Residential (5 or more units)		

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Final	\$	150.00	\$	800.00
Amended Site Plan	\$	200.00	\$	600.00
Excavation Permit	\$	500.00	\$	1500.00
Site Plan Waiver	\$	250.00	\$	600.00
Variances				
Appeals	\$	100.00	\$	600.00
Interpretation	\$	100.00	\$	600.00
Bulk Variances				
Residential	\$	250.00	\$	600.00
Non Residential	\$	300.00	\$	600.00
Use and Other				
Residential	\$	250.00	\$	600.00
Non-Residential	\$	500.00	\$	800.00
Extension	\$	150.00	\$	400.00
Special Meetings	\$	600.00	\$	800.00
Property Owners List	\$	10.00		

BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately upon final passage and publication, according to law.

Ruth J. Blessing, Mayor

John Murphy, Deputy Mayor

DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

SURVEY/PLAN/PLAT AFFIDAVIT

State of New Jersey:

ss

County of Cape May:


Clarence Tomlin being duly sworn according to law,
(name)
upon his oath deposes and says:

1. I am the owner of the property known and identified as Block 51, Lot(s) 2 in the Township of Dennis or I am the applicant for development in this matter.
2. The attached sealed survey/plan/plat prepared by Joseph H. Maffei, PE and dated June 14, 2021, accurately reflects the physical condition of the property as of the date of this affidavit and there have been no changes or alterations to the property since the date of the sealed survey/plan/plat.
3. I make this affidavit in support of an application for development before the Dennis Township Zoning Board of Adjustment and understand that said Board shall rely on the current accuracy of the said survey/plan/plat in considering the application for development of the property.



Signature-owner/applicant

Sworn to and subscribed
before me this 16th
day of June, A.D.
2021.



Notary Public of
New Jersey

KIMBERLY MCCARDELL
Commission # 50023762
Notary Public, State of New Jersey
My Commission Expires

DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

ESCROW FEES AND APPLICATION FEES

Applicant's Name: Clarence Tomlin

Address: 231 Sunset Road

Belleplain, NJ 08270

Address of Property 231 Sunset Road

Subject to the Belleplain, NJ 08270

Application: (Street Address)

Block: 51

Lot(s): 2

Amount of required escrow \$ 600.00

Amount of required application fees \$ 250.00

All escrow funds shall be deposited by the applicant with the Municipal Treasurer who shall, in turn, deposit them in a separate escrow account and carry them under the Township's Trust Fund section of accounts on the books of the Township as a professional, inspection and consulting fee escrow fund. Said escrow fund shall be used to pay the fees of professional personnel employed to assist the Dennis Township Zoning Board of Adjustment in the review of the application, to prepare Board resolutions and other legal documents relating to the application, and to inspect and approve construction. Professional fees shall be billed through the Municipality's voucher system and approved for payment by the Zoning Board of Adjustment. Any excess of funds remaining in the escrow account at the time when all required improvements have been finally accepted and all professional work completed shall be returned to the applicant. If at any time it becomes evident that the escrow account is or will be insufficient to cover said fees, the developer shall increase the fund as required by the appropriate Zoning Board of Adjustment Official having jurisdiction over the matter.

The application fee is non-refundable and is a separate charge from the escrow fee.

I understand and consent to the foregoing.

Date: 6/16/21


Applicant

DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

NOTICE OF HEARING ON APPEAL OR APPLICATION FOR DEVELOPMENT

Applicant's Name: Clarence Tomlin

Address: 231 Sunset Road

Belleplain, NJ 08270

Address of Property 231 Sunset Road

Subject to the Belleplain, NJ 08270

Application: (Street Address)


Tax Map Block: 51 Lot(s): 2

Take notice that on the _____ day of _____, 19____, at _____ PM prevailing time, at the Dennis Township Hall, located at 571 Petersburg Road, Dennisville, Dennis Township, New Jersey, the Dennis Township Zoning Board of Adjustment will hold a hearing on the appeal or application for development of the undersigned. Variance or other relief is sought so as to permit proposed reconstruction of single-family dwelling and construction of a pole barn

on the premises located at _____ 231 Sunset Road, Dennis Township, also known as Block 51, Lot(s) 2 on the Dennis Township Tax Map. The following variances are being sought from the following section(s) of the Township's ordinances: 185-28
Lot Area, Front Yard Setback and Side Yard Setback

The following additional approvals are sought: _____

A copy of the said application and documents are on file with the Zoning Board of Adjustment Administrator and may be inspected during normal business hours in the Dennis Township Construction/Zoning Office, Dennis Township Hall, by all interested parties at least ten (10) days prior to the said hearing. Further, any interested party may appear in person or by attorney or agent at said hearing and participate therein in accordance with the rules of the Dennis Township Zoning Board of Adjustment. This notice is sent pursuant to the requirements of the Municipal Land Use Law.



Applicant

NOTE: THIS INFORMATION IS NOT TO BE SERVED OR PUBLISHED

If, in addition to variance relief you are seeking subdivision, site plan or other approvals, these are required to be listed in the notice in the space left for that purpose. If no additional approvals beyond variances are sought put "None" on the blank lines indicated for the listing of additional approvals.

A copy of this notice together with the Affidavit of Service and all attachments required with it, together with receipts showing the mailing of notice by certified mail must be in the office of the Board of Adjustment Administrator at least three (3) business days before the date of the hearing. The above proofs relating to the serving and publishing of proper notice are not to be presented to the Board at the night of the hearing.

DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

AFFIDAVIT OF SERVICE

Applicant's name: Clarence Tomlin
 Applicant's address: _____
231 Sunset Road Belleplain, NJ 08270
 Subject Property:
 Street address of subject property: 231 Sunset Road
 Tax Block 51 Lots 2

STATE OF NEW JERSEY:
 COUNTY OF CAPE MAY : SS

Clarence Tomlin of full age, being duly sworn according to law, on his oath, deposes and says:

- (1) that he resides at 231 Sunset Road;
- (2) that he is the applicant or applicant's attorney in this matter in which the Dennis Township Zoning Board of Adjustment shall conduct a hearing;
- (3) that he, on _____, 19____, at least ten days prior to the hearing date on the application, gave notice to all property owners within 200 feet of the subject property and all other persons whose names appeared on the certified list obtained from the Township of Dennis and as listed on the Dennis Township Zoning Board of Adjustment Application Instructions (where applicable);
- (4) that notice was given either by personal service of a notice on the property owner or by sending the notice by Certified Mail Return Receipt Requested as noted on the attached list of persons to be served. Certified mail receipts showing the mailing of notice to the interested parties are attached; all return receipts received from served persons are also attached;
- (5) that a copy of the notice so served is attached hereto and made a part hereof;
- (6) that the notice was also published in the official newspaper of the municipality on _____, 19____. Attached hereto and made a part hereof is a Proof of Publication received from the official newspaper of the Township of Dennis.
- (7) that also attached hereto and made a part hereof is the certified list of all property owners and other parties to whom notice was required to be sent, showing the names and addresses of the persons served and the lot and block numbers of each person's property as same appear on the Dennis Township Tax Assessment List.

 (Signature of person giving Affidavit)

Sworn and subscribed to before me this _____ day of _____, 19____.

 Notary Public of New Jersey